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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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EMILY SHARP RAINS,  
  
Plaintiff,

v.

WESTMINSTER COLLEGE; MELISSA  
KOERNER; and RICHARD  
BADENHAUSEN,  
  
Defendants.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Case No. 2:20-cv-00520-JNP-DAO

District Judge Jill N. Parrish

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Plaintiff Emily Rains (“Plaintiff”), proceeding pro se, sued Westminster College, Melissa Koerner, and Richard Badenhausen (collectively, “Defendants”). Plaintiff initially asserted claims only against Westminster College and Melissa Koerner. (ECF No. 8-2.) Plaintiff subsequently amended her complaint adding Richard Badenhausen as a defendant. (*Id.*). Magistrate Judge Daphne A. Oberg issued a Report and Recommendation that the action against Dr. Badenhausen be dismissed with prejudice as the statute of limitations for the defamation per se and false light invasion of privacy claims against asserted Dr. Badenhausen had expired. (ECF No. 109.) Judge Oberg notified Plaintiff that the failure to file a timely objection to the Report and Recommendation could result in the waiver of objections. Plaintiff did not file an objection within the allotted time.

Because Plaintiff did not object to the Report and Recommendation, she waived any argument that it was in error. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The court will decline to apply the waiver rule only if “the interests of justice so dictate.” *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). The court has reviewed the

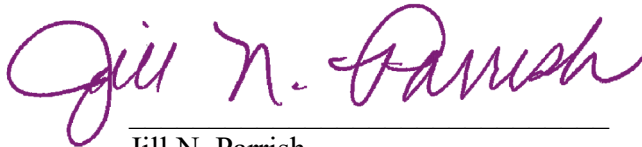
Report and Recommendation and concludes it is not clearly erroneous. Thus, the court finds that the interests of justice do not warrant deviation from the waiver rule.

Accordingly, the court ORDERS as follows:

1. The Report and Recommendation for Dismissal of Richard Badenhausen (ECF No. 109) is ADOPTED IN FULL.
2. This action against Richard Badenhausen is DISMISSED WITH PREJUDICE.

Signed February 7, 2023

BY THE COURT



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Jill N. Parrish  
United States District Court Judge